

**FRANK TO
FIGHT
ON
WEDNESDAY
FOR NEW
TRIAL**

**Charges of Bias Against
Jurors**

Will Play Leading Part

In Arguments.

DEFENSE OPPOSES DELAY

**Judge Roan and
Solicitor Dorsey**

**Also Urge Haste—
State Has**

Big Task.

The way was cleared Saturday for the actual beginning of the fight over the motion to give Leo M. Frank, convicted of the murder of Mary Phagan, a new trial. The battle will open before Judge Roan Wednesday with both sides primed for a vigorous contest in which charges against jurors accused of bias will play a large part.

The defense, headed by Luther Z. Rosser, relies in large part on the evidence showing that Juror A. H. Henslee expressed violent animus to Frank before the trial opened, winning a new trial for the prisoner. Scores of affidavits will be introduced to uphold the character of the witnesses who swear that Henslee said he was sure Frank was guilty and would like to see him hanged.

On the other hand, the State will be prepared to assail a number of these witnesses, and will try to show through Henslee himself that the sentiments against Frank were expressed after the trial.

Will Exchange All Papers.

Wednesday, as had been announced in Georgian, was formally fixed for the opening of the arguments by Judge Roan Saturday. At the same time the defense and State agreed to exchange all new papers in the case. A number of important documents, it is said, have not yet been made public.

In the discussion of the case Mr. Rosser made the offer to exchange all new affidavits for the new papers in possession of the State, and Solicitor Dorsey agreed.

While declaring that delay undoubtedly would benefit their client, Luther Rosser, for the defense, urged that the motion be brought to a speedy hearing.

He pointed out that he had been neglecting his civil business for the Frank case, and said that if the fight over the new motion were not disposed of by Monday a week he would have to ask that it be put over so that he could take up some of his other work.

Judge Roan Urges Haste.

If that was impossible, he wanted the case to be put over until December.

Judge Roan interrupted with the remark that he was anxious to pass on the case as quickly as possible, and would be against any delay until December, and the same sentiments were expressed by Solicitor Dorsey.

The Solicitor pointed out that he had given every moment of his time to preparing his answer to the lengthy plea filed by the defense, and that he would continue to do everything toward hastening the hearing.

Dorsey and Leonard Haas, of counsel for the defense, began Friday a review of the record of the case to check up on all the evidence briefed by Frank's lawyers. Due to pressure of other business, Mr. Haas was unable to continue the work Saturday, but arranged to resume the conference Monday morning at 9 o'clock.

Sixty pages of the 400 were gone over the first afternoon, minor alterations and additions being made at the suggestion of the Solicitor. Practically all of the of the remaining time before the hearing will be occupied in this work, and it is problematical if it will be concluded satisfactorily by Wednesday.

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**NEW WITNESS SAYS HE KNOWS PHAGAN
MURDERER;**

**CLEARs FRANK AND ACCUSES AN
ATLANTA MERCHANT**

**ARREST OF THE
MAN**

ACCUSED BY WITNESS IS EXPECTED TO-DAY

**Man Making Statement to
Birming-**

**Ham Person Is White
and Declares**

**He Was Given Money to
Leave**

**Atlanta and Keep His
Knowledge**

of the Crime to Himself.

A man who claims to have complete knowledge of the murder of Mary Phagan is now in the hands of the Atlanta police authorities, according to a startling story which reached the city at mid-night last night.

This man, whose name is said to be Fisk, an Atlantan, positively declares, according to the story, that Leo M. Frank had no part in the murder of Mary Phagan. He further declares crime was committed by another Atlanta business man equally as prominent as Frank. This man, it is further declared, will be arrested to-day.

According to his story, this man declares he long withheld his knowledge of the affair in the belief that Frank would not be convicted. He declared further that he had been a sum of money to leave Atlanta and hold his tongue. However, he says he could withhold his information no longer, and consequently he went to Chief of Police Bodekar of Birmingham and told that official the entire story.

WITNESS MAKES FULL STATEMENT.

Chief Bodeker was impressed at the beginning by the man's story. Chief Bodeker communicated with Ben M. Jacobs, an officer of the B'nai Brith of Birmingham, who in turn communicated with Atlanta police. Detectives are said to have gone immediately to Birmingham, and a conference was held in which Mr. Jacobs, Chief Bodeker and the new witness were participants.

The conference was in strict secrecy, and no hint of what was revealed was allowed to escape. It is said, however, that the new witness made a full statement and agreed to go to Atlanta and take the witness stand.

According to the reports from Birmingham, he is either now in Atlanta, held under strict secrecy, or is on his way to this city.

"VOLUNTARY," SAYS CHIEF.

Chief of Police George H. Bodeker, of Birmingham, over the long distance telephone early this morning declared that the

confession of the mysterious witness in the Frank case was made to him absolutely voluntarily.

"He came into my office Friday night," declared the chief, "and said that he wanted to tell me something that had been weighting on his mind. He declared that he knew the man who killed Mary Phagan and that the man wasn't Leo Frank."

"He then went at length into his story which we agreed not to give out until the matter was in the hands of the Atlanta officers. He did not say that he saw the murder. He did say that he had positive proof, against the real murderer."

"I don't know whether to believe his story or not. He tells it straight enough, however. But I will say this, if history stands up, Leo Frank will be a free man in a few days. And there will be a prominent Atlanta man in a mighty bad fix."

Accused is Prominent.

"The man he accused is a prominent merchant of Atlanta, according to the statement of the witness I immediately communicated with Friends of Frank here, and they got the man's comment to go to Atlanta and tell his story. I saw to it that he left Saturday night in charge of a Birmingham officer, and then I was through with the case. It wasn't mine, anyhow."

Chief Bodeker was asked the name of the witness.

"Wait till he gets to Atlanta," he replied. "We agreed not to give it out at this end."

"Is his name Fisk?" he was asked.

"Well, that's something like it." Said the chief.

Maximum Heard Nothing.

Sheriff Mangum last night professed to have heard nothing in regard to the mysterious informant except as he had learned of the incident from the newspaper men. It was reported, however,

that it was a deputy from the Sheriff's office, who was sent to Birmingham to return with the man.

"The first I knew of such a thing place," said Mangum, "was when someone called me on the telephone to ask me about it. I did not even know what they were hunting for a man who was supposed to have witnessed the crime. I have been making inquiries since, but I have learned nothing definite. I suppose they will bring him to the Tower if he is under arrest."

Arnold Pleads Ignorance.

Reuben R. Arnold, of counsel for Frank, said that he was taken entirely by surprise by the startling story. He denied that he had any intimation that such a person existed as the one who is said to have walked in,

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**NEW
WITNESS**

SAYS FRANK IS INNOCENT

(Continued from Page 1.)

Upon Chief Bodecker and calmly announced that he was a witness to the slaying of Mary Phagan. Neither had Mr. Arnold been aware that the detectives or any of Frank's friends had been working on a clew of this sort, he said.

Chief of Detective Lanford denied knowledge of the reported confession in Birmingham when aroused at his home early Sunday morning. The Chief stated that no men from the Atlanta police department had been sent to Birmingham recently that he knew of, and that he knew of no communications having been received in the department from Chief Bodecker, of the Alabama city, on this subject.

"It's all news to me," the Chief said when informed of the Birmingham report. "I don't know anything about it. If a man over

there said he witnessed the murder of the little Phagan girl, it hasn't been reported to the Atlanta police that I know of."

Beavers Denies Knowledge.

Chief of Police James L. Beavers professed doubt of the reported confession to the Birmingham police.

"I have received no message from Chief Bodeker," he said, "and know nothing of any development of the Phagan case in Birmingham. I have not had a detective there working on any clues, and if the Birmingham chief has found a man who saw the murder he has not yet notified the Atlanta police."

Luther Rosser, attorney for Frank had retired when he was informed of the story from Birmingham. Mr. Rosser declared he knew absolutely nothing about the affair. He refused to be quoted.

Both Sides Will Be Ready For Frank Plea Wednesday

With prosecution and defense rushing their preparations to a conclusion, the prospects Saturday were that all concerned would be ready for the arguments on a new trial for Leo M. Frank, which is set for next Wednesday before Judge L. S. Roan.

Solicitor Dorsey has asked Attorney Rosser for copies of all the new affidavits taken by him since he filed the motion. Mr. Rosser replied by saying that would turn over such documents if

the Solicitor would in turn supply him with copies of all affidavits secured by the State since this time. It was agreed that the exchange should occur Monday morning.

The Solicitor's assistants, while he is engaged in suggesting additions to the brief evidence, will be finishing up the investigation into the defense's charges of bias against Jurors A. H. Henslee and Marcellus Johenning. The latter has made a denial even more vigorous and absolute than that of Henslee's.

Juror Sure of Acquittal.

Johenning appears to have no fear that he will be cleared of the accusations of being prejudiced against Frank before he was called into the jury box.

The persistent rumor, current since the charges against Henslee and Johenning, that a third juror had been accused, is also being investigated by the State's counsel. The report has been that attorneys for Frank have affidavits which name a third juror. However, nothing so far has become public which warrants this report.

Solicitor Dorsey has gone carefully into the life and character of every person who has made an affidavit for the defense charging Henslee and Johenning with prejudice. It has been hinted that the Solicitor will spring some surprises when he makes the depositions public at the hearing on Wednesday.

He is understood to be confident that he can free both Henslee and Johenning from the accusations against them, in which case Frank's lawyers will be forced to rely on their other reason to obtain a new trial.

Other Contentions of Defense.

That they would not be at all unwilling to rest their chances for a new trial on almost any one of their reasons if it were necessary, counsel for the defense have indicated repeatedly.

They feel that the alleged prejudice of the two jurors is sufficient in itself to warrant the granting of a new trial.

Both sides have a number of affidavits which they have not exchanged or made public. These are said to be some of the most important obtained and are expected to play a large part in the decision at which Judge Roan will arrive.

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**Recorder
Preston**

**Scored by
Lawyer**

**Police Judge Either
Ignorant of Law
or Disregards It, Declares
Smith.**

Charging that Recorder Pro Tem Preston is "either ignorant of the law or utterly disregards it," William M. Smith, former attorney for Jim Conley, has taken out a writ of habeas corpus to obtain the release of Sam Holder and Andy Morton, negroes who were arraigned in Police Court Saturday afternoon on charges of operating a blind tiger.

When the case was called Judge Preston, it is charged, decided that the negroes were not guilty of the charge on which they were arrested, but said he would hold them on another charge and try them next Tuesday afternoon.

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FRANK

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**Change All Affidavits
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